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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 09/900,337 | 07/06/2001 | Jean-Luc Bonifas | PHFR 000073 | 4942 |
| 24737 | 7590 | 05/13/2005 | EXAMINER | |
| PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510 | | | KIM, KEVIN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2634 | |

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,337

Applicant(s)

BONIFAS, JEAN-LUC

Examiner

Kevin Y. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1-11-2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-8 and 11-16 is/are allowed.
- 6) ☒ Claim(s) 1,2,9,10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed January 11, 2005 have been fully considered but they are not persuasive.

Applicant refused to add appropriate headings to the specification by incorrectly asserting that the use of headings is only preferred according to MPEP 408.01(a). What the section really says is that headings "should" be used. The section adds, though, that the order of the specification elements shown in the section is a preferable one.

Applicant traverse the rejection of claims 1,2,9 and 10 by saying the Weerakcody et al patent fails to teach "adding redundancy data packets to the frames to the frames [sic] of primary data for which protection is sought." However, applicant fails to distinguish how the prior art's teaching of appending a CRC 16-bit error detection code to the Type-I information packets is different from the claims' adding redundancy data packets to the frames of primary data for which protection is sought.

Specification

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- I STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.

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- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96I), "Sequence Listings" (37 CFR 1.821I), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections – 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1,2,9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weerackody et al (US 5,671,156 previously cited) in view of Li et al (US 6,504,836 previously cited).

Consider claims 1 and 9. Referring to Fig. 5E, Weerackody et al discloses a transmitter and a method (55B) comprising;
a means/step for generating frames of primary digital data (60),

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an attribution means/step (61) that attributes a priority (Type IA, Type IA, Type II, etc.) to each of the frames, and

a protection means/step (62,78A,78, etc.) of a forward error correction (FEC) type that adds redundancy data packets, where the redundancy is a function of the level of the priority. See col.8, lines 43-46 describing a CRC-16 encoder that appends a 16-bit error detection code for Type I, and col.8, lines 56-58 describing a less powerful FEC encoding.

The forward error corrected data are delivered over a communication channel (65).

But Weerackody et al fails to teach “the quantity of the redundancy data” to be a function of “the error rate of the communication channel.” Li et al teaches adapting a redundancy of the forward error control depending on the error rate of the transmission medium for optimizing the efficiency of the transmission system. See col. 8, lines 30-38. Thus, it would have been obvious to one skilled in the art at the time the invention was made to vary the redundancy bits in the forward error correction encoder (62,78A,78, etc.) of Weerackody et al as a function of the error rate of the transmission channel in order to optimize the efficiency of the transmission system, as taught by Li et al.

Regarding claims 2 and 10, calling for redundancy data being proportionally numerous to the priority level and to the error rate of the channel. Weerackbody et al teaches stronger error correction for a certain type of data that for other type as explained above, indicating more redundancy data for a higher priority. Also Li et al teaches that for a communication line with a lower error rate, a redundancy is reduced, thereby leading to an inference that for a communication line with a higher error rate, a redundancy is increased. See col. 8, lines 33-35.

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5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weerackody et al in view of Li et al as applied to claim 1 above, and further in view of Kawai (US 6,760,360 previously cited).

Weerackody et al in combination with Li et al disclose all the claimed subject matter claimed, as explained above, except for a “telephone device” comprising the transmitter. Kawai teaches a telephone that is capable of transmitting and receiving JPEG data in addition to conventional audio. See Fig. 1, col. 1, lines 50-63. Thus, it would have been obvious to one skilled in the art at the time the invention was made to equip a telephone device with the transmitter of Weerackody et al, which is designed to transmit JPEG images and modified by Li et al for the purpose of providing a transmission capability of images in addition to audio, as taught by Kawai.

Allowable Subject Matter

6. Claims 3-8, 11-16 are allowed.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Y. Kim whose telephone number is 571-272-3039. The examiner can normally be reached on 8AM --5PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571-272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kvk


CHIEH M. FAN
PRIMARY EXAMINER